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Paper 29

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Filed :  
September 16, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

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David M. Armistead  
Junior Party  
(Patent 6,124,328)

v.

Joseph P. Steiner  
and  
Gregory S. Hamilton  
Senior Party  
(Application 09/873,298).

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Patent Interference No. 105,274

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**Before: Schafer, Tierney, and Moore, Administrative Patent Judges.**

**Moore, Administrative Patent Judge.**

**JUDGMENT-Bd. R. 127(b)**

Steiner has filed Paper 28, a Request for Adverse Judgment as to count 1, the only count of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

**ORDERED** that judgment on priority as to Count 1 (Paper 21, page 3) is awarded against senior party Joseph P. Steiner and Gregory S. Hamilton.

**FURTHER ORDERED** that senior party Joseph P. Steiner and Gregory S. Hamilton is not entitled to a patent containing claims 41, 42, 44, 45, and 49 (corresponding to Count 1) of application 09/873,298.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/873,298 and patent 6,124,328.

**FURTHER ORDERED** that as the parties have stated that there is a settlement agreement, the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666].

/Richard E. Schafer/  
**RICHARD E. SCHAFFER**  
 Administrative Patent Judge

/Michael P. Tierney/  
MICHAEL P. TIERNEY  
Administrative Patent Judge

/James T. Moore/  
JAMES T. MOORE  
Administrative Patent Judge

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) **BOARD OF PATENT**  
) **APPEALS AND**  
) **INTERFERENCES**  
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September 16, 2005  
Alexandria, VA

cc (via email):

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## Despertt, Sonja

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**From:** Despertt, Sonja on behalf of Interference Trial Section  
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**Subject:** Interference No. 105274 (JTM) Paper No. 29 - Judgment-Bd.R. 127(b)



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